

April 1, 1938

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ARIZONA ATTORNEY GENERAL

Mr. W. G. Gilmore,
Attorney at Law,
First National Bank Bldg.,
Douglas, Arizona.

Dear Mr. Gilmore:

We have your letter of recent date in which you request the opinion of this office on the following question:

"Whether the law permits absentee voting in an ordinary municipality under a common council form of government."

Chapter 12, Article 9, Section 435, R.C.A. 1928, provides in substance that all acts relating to any city or town election, including the manner of conducting and voting, keeping the poll list, counting and canvassing, and all acts relating to such election, shall conform to the provisions of the laws relating to the general election of county officers as nearly as may be.

Chapter 22, Article 12, Section 1303, R.C.A. 1928, provides:

"A qualified and registered elector who is absent from the county of which he is an elector, or who expects to be absent from such county, at the time of holding any general or primary election, or who furnishes the county recorder with a doctor's certificate of physical inability to go to the polls, may vote at such election as hereinafter provided."

We are of the opinion that Chapter 22, supra, is clearly applicable to a municipal election under a common council form of government. The system of absentee voting has been enacted for the purpose of procuring a fuller expression of the public will at the ballot box. No one should be deprived of the franchise to vote by reason of their absence or temporary or permanent physical disability. The absentee voter's law was undoubtedly passed for these meritorious purposes.

Yours very truly,

JOE CONWAY,
Attorney General.

CHARLES FERNSTEIN,
Assistant Attorney General.

EARL ANDERSON,
Special Assistant
Attorney General.

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